

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**IN RE GENETICALLY MODIFIED
RICE LITIGATION,**

4:06 MD 1811 CDP

This document relates to:

TILDA LTD

PLAINTIFF

v.

No. 4:07-CV-00457 CDP

**RICELAND FOODS, INC.;
PRODUCERS RICE MILL, INC.;
BAYER CROPSCIENCE INC.;
BAYER CROPSCIENCE LP;
BAYER CROPSCIENCE HOLDING, INC.;
BAYER CROPSCIENCE, LLC; and
BAYER CORPORATION**

DEFENDANTS

VEETEE RICE LIMITED

PLAINTIFF

v.

No. 4:07-CV-01211 CDP

**RICELAND FOODS, INC.;
PRODUCERS RICE MILL, INC.;
RIVIANA FOODS, INC.;
BAYER CROPSCIENCE LP;
BAYER CORPORATION;
BAYER AG; and
BAYER CROPSCIENCE AG**

DEFENDANTS

RICKMERS REISMUEHLE GMBH,

PLAINTIFF

v.

No. 4:08-CV-00499-CDP

RICELAND FOODS, INC.,

DEFENDANT

RICKMERS REISMUEHLE GMBH

PLAINTIFF

v. No. 4:08-CV-00500-CDP

PRODUCERS RICE MILL, INC.,

DEFENDANT

VAN SILLEVOLDT RIJST, BV

PLAINTIFF

v. No. 4:09-CV-00941-CDP

RIVIANA FOODS, INC.;
PRODUCERS RICE MILL, INC.;
RICELAND FOODS, INC.;
BAYER CORPORATION; BAYER CROPSCIENCE LP; and
BAYER CROPSCIENCE HOLDING, INC.

DEFENDANTS

WESTMILL FOODS, LTD., a division of
ABF Grain Products

PLAINTIFF

v. No. 4:09-CV-00938-CDP

RIVIANA FOODS, INC.;
PRODUCERS RICE MILL, INC.;
BAYER CORPORATION; BAYER CROPSCIENCE LP; and
BAYER CROPSCIENCE HOLDING, INC.

DEFENDANTS

**RESPONSE OF EUROPEAN NON-PRODUCERS TO MOTION
TO EXTEND DEADLINES IN EUROPEAN NON-PRODUCER CASES**

European Non-Producers, Tilda Ltd. (“Tilda”), Veetee Rice Limited (“Veetee”), Rickmers Reismuehle GmbH (“Rickmers”), Van Sillevoldt Rijst, BV (“VSR”), and Westmill Foods (“Westmill”) (collectively referred to as the “ENPs”), by their Court-appointed Liaison Counsel, John K. Baker, in Response to Riviana Food, Inc.’s Motion to Extend Deadlines (“Motion”) in European Non-Producer Cases (Doc. #1540), state:

1. The allegations contained in paragraph one (1) of the Motion are admitted.

2. The allegations contained in the first sentence of paragraph two (2) of the Motion are admitted. The remaining allegations contained in paragraph two (2) of the Motion are denied.

3. The allegations contained in paragraph three (3) of the Motion are admitted. Additional grounds exist in support of a realignment of the remaining deadlines in the ENP cases. These additional grounds are the subject of and will be discussed with the Court at its September 24, 2009 Status Conference.

4. The allegations contained in paragraph four (4) of the Motion are denied. However, additional grounds exist in support of a realignment of the remaining deadlines in the ENP cases. These additional grounds are the subject of and will be discussed with the Court at its September 24, 2009 Status Conference.

5. Since the filing of the Motion, undersigned counsel and Bayer's counsel have endeavored to fashion a proposed realignment of the remaining deadlines in the ENP cases that is mutually agreeable to all parties in the ENP cases. From this endeavor and only on this date has unanimity of agreement been reached (save and except on the part of Riceland Foods, Inc.) on the following proposed realignment of the remaining deadlines found in Section IV 2 of CMO 16 (Doc. #1129) applicable to the ENP cases:

	<u>New Deadline</u>
PLAINTIFF EXPERT DISCLOSURES (damages only)	10/12/2009
PLAINTIFF EXPERT DISCLOSURES (liability only)	11/23/2009
COMPLETION OF PLAINTIFF EXPERT DEPOSITIONS	1/15/2010
DEFENDANT EXPERT DISCLOSURES	2/15/2010
COMPLETION OF DEFENDANT EXPERT DEPOSITIONS	3/26/2010
PLAINTIFF REBUTTAL EXPERT DISCLOSURES	4/23/2010
COMPLETION OF REBUTTAL EXPERT DEPOSITIONS	5/17/2010
FACT DISCOVERY CLOSES	4/21/2010
SUMMARY JUDGMENT AND DAUBERT MOTIONS	
MOTION DEADLINE	6/1/2010
RESPONSE DEADLINE	7/8/2010
REPLY DEADLINE	8/5/2010

WHEREFORE, the ENPs pray that the Motion's relief is granted generally, but that the Court amends the remaining deadlines found in Section IV 2 of CMO 16 (Doc. #1129) with the above delineated dates as opposed to those discussed in the Motion.

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CERTIFICATE OF SERVICE

This is to certify that I have this 23rd day of September, 2009, electronically filed a copy of the foregoing with the Clerk of Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ John K. Baker